

Docket No. 87355.1622
Application No. 09/944,108
Customer No. 30734

Patent

REMARKS/ARGUMENTS

The Office Action dated January 27, 2004 has been reviewed and its contents carefully considered. Claims 1 and 3-22 are pending. Claims 1 and 3-22 have been rejected.

Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

CLAIM REJECTIONS - 35 U.S.C. § 103(a)

Claims 1 and 3-22 were rejected under 35 U.S.C. §103(a) as being unpatentable *Gurne, et al.* It is respectfully submitted that *Gurne, et al* does not teach, *inter alia*, a method of displaying automotive service data on a diagnostic tool comprising "displaying a list of performance measurements, descriptions and values...displaying a graphical representation of said selected measurement over time and arranging the order in which said measurement, descriptions and values are displayed in said displaying step" as recited in claim 1. In the final Office Action, the Examiner concedes that "*Gurne [et al]* fails to disclose arranging the order in which said measurement, description and values are displayed." The Examiner then attempts to equivocate user forms of routines during which each routine "can be thought of as a series of steps." However, the user forms of routines, to which the Examiner refers, are part of diagnostic routines which can be interpreted by the hand held unit interpreter (as described by *Gurne, et al* in column 15, lines 5-36). These routines are all together different than what is claimed by the present invention.

Claim 1 of the present invention recites a displaying step and further, "arranging the order in which said measurement, descriptions and values are displayed in said displaying step." *Gurne, et al* merely discloses selecting a diagnostic routine and in no particular order (*e.g.*,

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column 15, lines 31-36). *Gurne, et al* provides no teaching of arranging an order of measurements, descriptions and values displayed in a displaying step as recited in claim 1 of the present invention.

In accordance with the M.P.E.P. §2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re: Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re: Wilson*, 424 f.2d 1382, 1385, 165 USPQ 494 196 (CCPA 1970). Selecting a diagnostic routine to be performed as disclosed in *Gurne, et al* in now way teaches or is it equivalent to the display step or arranging an order of measurements, descriptions and values displayed in the display step as recited in claim 1 of the present invention. Thus, since each and every element of the present invention is not taught by the prior art, *Gurne, et al* cannot teach the present invention as claimed. Hence, withdrawal of the rejection is respectfully requested.

Claims 3-11 ultimately depend from independent claim 1 and are patentable with prior art for at least the same reasons as is claimed 1.

Regarding independent claim 12, it is respectfully submitted that *Gurne, et al* does not teach, *inter alia*, an apparatus for displaying automotive service data comprising "a graphics program for generating a first graphical representation of said selected data over time, said graphics program further producing a second graphical representation by varying a time axis of the first graphical representation of said selected data over a portion of said data and simultaneously displaying the first graphical representation and a second graphical representation

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on said display screen" as recited in claim 12. The Examiner concedes in the final Office Action *Gurne, et al* "fails to disclose a first graphical representation and a second graphical representation by varying a time axis of the first graphical representation and displaying both simultaneously." The Examiner then turns to column 8, lines 4-44 of *Gurne, et al* which merely discloses a split window with a digital multimode in a suspended operation of the look window display on the scan tool. A technician may perform one of a variety of operations, including, for instance, performing an electrical reading, performing a voltage differential test, measuring a voltage drop, and/or measuring electrical characteristics of devices. However, there is no teaching of "a graphics program for generating a first graphical representation of said selected data over time, said graphics program further producing a second graphical representation by varying a time axis of the first graphical representation of said selected over a portion of said data and simultaneously displaying the first graphical representation and the second graphical representation on said display screen" as recited in claim 12. Thus, since each and every element of the present invention is not taught by the prior art *Gurne, et al* cannot teach the present invention and claimed. Hence, withdrawal of the rejection is respectfully requested.

Claims 13-16 and 22 ultimately depend from independent claim 12 and are patentable over the cited prior art for at least the same reasons as is claim 12.

Regarding claim 17, it is respectfully submitted that *Gurne, et al* does not teach, *inter alia*, an apparatus for displaying automotive service data comprising "graphing means for generating a first graphical representation of said selected at least one inch performance measurements over time, said means for graphing further producing a second graphical

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representation by varying a time axis of the first graphical representation of said selected at least one inch performance measurements over a portion of said data and simultaneously displaying the first graphical representation and a second graphical representation on said means for displaying" as recited in claim 17. The Examiner concedes in the final Office Action that *Gurne, et al* "fails to disclose a first graphical representation and a second graphical representation by varying a time axis of the first graphical representation and displaying both simultaneously." As with claim 12, the Examiner turns to column 8, lines 4-44 of *Gurne, et al* in an attempt to disclose the claimed features of the present invention. However, the disclosure of *Gurne, et al* does not show a time axis variation of the first graphical representation in order to produce a second graphical representation as recited in claim 17 of the present invention. Since each and every element of the present invention is not taught by the prior art, *Gurne, et al* cannot teach the present invention as claimed. Hence, withdrawal of the rejection is respectfully requested.

Claims 18-20 ultimately depend from independent claim 17 and are patentable over the cited art for at least the same reasons as is claimed 17.

Regarding claim 21, it is respectfully submitted that *Gurne, et al* does not teach, *inter alia*, a method of displaying automotive service data on a diagnostic tool comprising "displaying a first graphical representation of said selected measurement over time...producing a second graphical representation by varying a time axis of the first graphical representation of said selected measurement over a portion of said measurement...and simultaneously displaying the first graphical representation and the second graphical representation" as recited in claim 21. The Examiner concedes in the final Office Action that *Gurne, et al* "fails to disclose a first

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graphical representation and a second graphical representation by varying a time axis of the first graphical representation and displaying both simultaneously.” Again, the Examiner turns to *Gurne, et al* column 8, lines 4-44 in an attempt to teach the present invention. However, as previously outlined with respect to similar features claimed in independent claims 12 and 17, *Gurne, et al* fails to teach producing a second graphical representation by varying a time axis of the first graphical representation and displaying the first graphical representation and a second graphical representation simultaneously as recited in claim 21. Since each and every element of the present invention is not taught by the prior art, *Gurne, et al* cannot teach the present invention as claimed. Hence, withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If it is believed that the application is not in condition for allowance the Examiner is requested to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

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In the event this paper is not time filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036.

Respectfully submitted,

BAKER & HOSTETLER LLP



Marc W. Butler
Patent Agent
Reg. No. 50,219

Date: February 13, 2004
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1500
Facsimile: 202-861-1783